५

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,363	03/12/2004	Frank Beunings	34874-090 UTIL	6370

64280   7590   06/20/2007
MINTZ, LEVIN, COHN, FERRIS, GLOVSKY & POPEO, P.C.
9255 TOWNE CENTER DRIVE
SUITE 600
SAN DIEGO, CA 92121

EXAMINER
ANYA, CHARLES E

ART UNIT	PAPER NUMBER
2194	

MAIL DATE	DELIVERY MODE
06/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

<table>
<tr><td rowspan="2">Office Action Summary</td><td>Application No.
10/799,363</td><td>Applicant(s)
BEUNINGS ET AL.</td></tr>
<tr><td>Examiner
Charles E. Anya</td><td>Art Unit
2194</td></tr>
</table>

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3/</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>28 March 2007</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-15</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-15</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 1-15 are pending in this application.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2.   Claims 6-10 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 6 is directed to a message exchange system, which is software per se. The message exchange system is not a process, a machine, a manufacture or a composition of matter. In contrast, a claimed computer-readable storage medium encoded with instruction for exchanging messages is a computer element with defined structural and functional interrelationships. The structural and functional interrelationship allows the claim to be classified as a machine and the functionality to be realized and thus statutory. Accordingly, appropriate correction or amendment is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the

applicant for patent, except that an international application filed under the treaty defined in section
351(a) shall have the effects for purposes of this subsection of an application filed in the United States
only if the international application designated the United States and was published under Article 21(2)
of such treaty in the English language.

**3.   Claims 1,6 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated
by U.S. Pub. No. 20030212818 A1 to Klein et al.**

4.   As to claim 1, Klein teaches a computer-implemented method of accessing
content of a message, comprising: defining a context object for a message, the context
object being an abstraction of content of the message base message.../message
context..." page 7 paragraphs 0100/0101), the context object stored in a repository
("...data store..." page 7 paragraphs 0100/0101); assigning the context object to one or
more interfaces through which the message is to be communicated (Factory 1606 page
10 paragraph 0100); and accessing, via the context object, the content of the message
at one of the interfaces (Factory 1606 page 10 paragraph 0100).

5.   As to claim 6, Klein teaches a message exchange system, comprising: one or
more message interfaces, through which messages are received from a sender or sent
to one or more receivers (Factory 1606 page 10 paragraph 0100); a repository storing a
plurality of context objects, wherein each context object is an abstraction of content of a
message ("...data store...base message...message context..." page 7 paragraphs
0100/0101) and wherein each context object is assigned to at least one of the one or

more interfaces to facilitate access to content of the messages communicated through the message interfaces (Factory 1606 page 10 paragraph 0100).

6.   As to claim 11, see the rejection of claim 1 above.

7.   **Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 20030053459 A1 to Brouk et al.**

8.   As to claim 1, Brouk teaches a computer-implemented method of accessing content of a message, comprising: defining a context object for a message, the context object being an abstraction of content of the message ("...routing scripts...define one or more routing scripts" page 6 paragraph 0084-0090, "...context management..." page 7 paragraphs 0097-0102), the context object stored in a repository ("...stored..." page 6 paragraph 0090); assigning the context object to one or more interfaces through which the message is to be communicated ("...API..." page 3 paragraph 0037, Message Post Interface 324 page 4 paragraphs 0063, Message Post Interface 326 page 8 paragraph 0114; and accessing, via the context object, the content of the message at one of the interfaces ("...a service is invoked..." page 7 paragraph 0099).

9.   As to claim 2, Brouk teaches a method in accordance with claim 1, wherein accessing the content includes accessing application data associated with the context object ("...a service is invoked..." page 7 paragraph 0099).

10.   As to claim 3, Brouk teaches a method in accordance with claim 1, wherein the context object includes a name and a namespace, the context object used to select a send process for the message sent to at least one of assigned interfaces ("...identity..." page 7 paragraph 0098).

11.   As to claim 4, Brouk teaches a method in accordance with claim 1, further comprising storing the context object in a repository accessible by a runtime engine to communicate with the one or more interfaces (Message Interchange Network 150 page 6 paragraph 0090).

12.   As to claims 5 and 7, see the rejection of claim 3 above.

13.   As to claim 6, Brouk teaches a message exchange system, comprising: one or more message interfaces, through which messages are received from a sender or sent to one or more receivers ("...API..." page 3 paragraph 0037, Message Post Interface 324 page 4 paragraphs 0063, Message Post Interface 326 page 8 paragraph 0114); a repository storing a plurality of context objects, wherein each context object is an abstraction of content of a message ("...routing scripts..." page 5 paragraphs 0067-0071, page 6 paragraphs 0084-0086/0090, "...context management..." page 7 paragraphs 0097-0101) and wherein each context object is assigned to at least one of the one or more interfaces to facilitate access to content of the messages

communicated through the message interfaces ("...API..." page 3 paragraph 0037,
Message Post Interface 324 page 4 paragraphs 0063, Message Post Interface 326
page 8 paragraph 0114).

14.   As to claim 8, Brouk teaches a system in accordance with claim 6, further
comprising a directory that stores a plurality of routing rules for routing messages
between a sender and one or more receivers through one or more message interfaces
("...routing rules..." page 5 paragraphs 0071- 0078, page 6 paragraph 0090).

15.   As to claim 9, Brouk teaches a system in accordance with claim 8, wherein the
context objects are assigned to the one or more interfaces according to one or more
business processes stored in the directory ("...API..." page 3 paragraph 0037, Message
Post Interface 324 page 4 paragraphs 0063, Message Post Interface 326 page 8
paragraph 0114).

16.   As to claim 10, Brouk teaches a system in accordance with claim 9, further
comprising an integration server for executing the one or more business processes
(Recipient Service 360/Recipient 404 page).

17.   As to claims 11-15, see the rejection of claims 2-5 respectively.

Response to Arguments

Applicant's arguments with respect to claims 1-15 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cea.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER